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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA and
STATE OF NEW JERSEY *ex rel.* RAFI
KHATCHIKIAN and IVAN TORRES,

Plaintiffs/Relators,

v.

PORI IMPERIAL FERRY
CORPORATION; PORT IMPERIAL
FERRY CORPORATION d/b/a NY
WATERWAY; ARTHUR IMPERATORE,
President; ALAN WARREN, Vice President;
ROMULUS DEVELOPMENT CORP.;
BILLYBEY FERRY COMPANY, LLC;
WILLIAM WACHTEL; ABC
CORPORATIONS 1-10 (same names being
fictitious) and JOHN DOES 1-10 (same
names being fictitious),

Defendants.

Civil Action No.: 2:16-cv-2388 (KM) (AME)

**NOTICE OF DEFENDANTS'
MOTION TO DISMISS
COUNT SIX OF THE
FIRST AMENDED COMPLAINT**

TO: Michael D. Fitzgerald, Esq.
Law Offices of Michael D. Fitzgerald
1701 Pennsylvania Ave. NW, Suite 200
Washington, DC 20006

Gerald C. Robinson, Esq.
Halunen Law PLLC
80 South 8th St., Suite 1650
Minneapolis, MN 55402

PLEASE TAKE NOTICE that Defendants Port Imperial Ferry Corporation, Port Imperial Ferry Corporation d/b/a NY Waterway, Arthur Imperatore, Romulus Development Corp., and Billybey Ferry Company, LLC (“Defendants”), by and through their attorneys, Baldassare & Mara, LLC (Jennifer Mara, Esq., appearing), shall move before the Honorable Kevin McNulty,

United States District Judge, on November 7, 2022, or as soon thereafter as counsel may be heard, for an Order Dismissing Count Six of Plaintiffs' First Amended Complaint;

PLEASE TAKE FURTHER NOTICE that in support of their Motion to Dismiss, Defendants rely upon the accompanying brief and any future filings in support their motion, and oral argument;

PLEASE TAKE FURTHER NOTICE that Defendants join in co-defendant Alan Warren's Motion to the extent it is consistent with and applicable to Defendants;

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted herewith;

PLEASE TAKE FURTHER NOTICE that oral argument is hereby requested.

Dated: July 29, 2022

By: /s/ Jennifer Mara
Jennifer Mara, Esq.